

**REMARKS**

Claims 85-100 are pending in this application. By this Amendment, claims 85-87, 97 and 98 are amended. Support for the amendments may be found at least at Figs. 11, 13, 17 and 18. No new matter is added. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

The Office Action, on page 2, objects to claim 1 for an informality. Claim 1 is amended to obviate this objection. Withdrawal of the objection to claim 1 is respectfully requested.

The Office Action, on page 2, rejects claims 85-100 under 35 U.S.C. §103(a) as being unpatentable over JP-A-63-17031 to Kogyo in view of CN 1270786 to Gueret. This rejection is respectfully traversed.

Without conceding the appropriateness of the current rejection, claim 85 is amended to recite, among other features, at least two containers each defining a housing, each housing containing only one product and configured in such a manner as to be superposable on a stacking axis, wherein each container, except for a bottom container along the stacking axis, comprises a bottom wall including a lip configured to cooperatively overlap with an inside surface of the container below it.

Neither Kogyo nor Gueret can reasonably be considered to have suggested the combination of all of the features recited in at least independent claim 85.

Kogyo is directed to receptacles for cosmetics which are stacked on top of each other (Abstract). The Office Action concedes that Kogyo does not disclose a receptacle body containing a substance with an applicator member secured to the receptacle body during application of the substance, with a closure cap that is configured to be removably fixed to the receptacle body wherein the receptacle body is of a different shape than the containers. Rather, the Office Action relies on Gueret to make up for this shortfall.

Gueret is directed to an applicator that comprises a support which is configured to allow the applicator to be engaged with a container containing a first product, in the form of a gel, cream or liquid in an application member on the support (Abstract).

Neither Kogyo nor Gueret can reasonably be considered to have suggested at least two containers each defining a housing, each housing containing only one product and configured in such a manner as to be superposable on a stacking axis, wherein each container, except for a bottom container along the stacking axis, comprises a bottom wall including a lip configured to cooperatively overlap with an inside surface of the container below it. Kogyo, for example, in Figs. 16-26, illustrates a series of stackable containers that do not have a lip configured to cooperatively overlap with an inside surface of the container below it, as recited in independent claim 85. Gueret fails to make up for this shortfall.

For at least the foregoing reason, no combination of Gueret with Kogyo would have suggested the combination of all of the features recited in independent claim 85. Further, dependent claims 86-100 would also not have been suggested for at least the dependence of these claims on independent claim 85, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 85-100 under 35 U.S.C. §103(a) over Kogyo in view of Gueret are respectfully requested.

For at least the foregoing reasons, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 85-100 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number set forth below.

Respectfully submitted,



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WPB:MJS/acd

Attachment:  
Petition for Extension of Time

Date: August 11, 2009

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